

ASSEMBLY BILL

No. 1096

Introduced by Assembly Member DeVore

February 23, 2007

An act relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1096, as introduced, DeVore. California Environmental Quality Act.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also generally requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides some exemptions from its requirements for specified projects.

This bill would declare the intent of the Legislature to enact legislation to declare a "CEQA Holiday" exemption from CEQA for a period of 5 years for the construction of agricultural employee housing, affordable housing, and urban infill housing projects.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Article 6 (commencing with Section 21159.20) of Chapter
4 4.5 of Division 13 of the Public Resources Code, which was
5 enacted in 2002, by Senate Bill 1925, exempts from the California
6 Environmental Quality Act (CEQA; Division 13 (commencing
7 with Section 21000) of the Public Resources Code) a residential
8 project located on an infill site within an urbanized area, that meets
9 specified criteria. The stated intent of the Legislature in enacting
10 those provisions, included “creating a streamlined procedure for
11 agricultural employee housing, affordable housing, and urban infill
12 housing projects that do not have an adverse effect on the
13 environment.”

14 (2) Section 21152.1 of the Public Resources Code, which was
15 enacted by Assembly Bill 677 in 2003, requires a local agency or
16 specified person, when the local agency determines that a project
17 is exempt from CEQA for certain reasons, and it approves or
18 determines to carry out the project, to file notice of the
19 determination with the Office of Planning and Research.

20 (3) As of January 22, 2007, the Office of Planning and Research
21 has recorded one exemption as being filed as a result of Section
22 21152.1 of the Public Resources Code, under the “streamlined
23 procedure for agricultural employee housing, affordable housing,
24 and urban infill housing projects.”

25 (b) Because the streamlined procedures enacted by the
26 legislation specified in paragraphs (1) and (2) have not resulted in
27 appreciable construction of shelter, it is the intent of the Legislature
28 to enact legislation declaring a “CEQA Holiday” exemption from
29 the California Environmental Quality Act (Division 13
30 (commencing with Section 21000) of the Public Resources Code),
31 for a period of five years, for the construction of agricultural
32 employee housing, affordable housing, and urban infill housing
33 projects.